S.B. CIVIL WRIT PETITION NO.6053/2007.

Naresh Kumar Meena
Vs.
State and ors.

Date of Order : 24/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri S.K. Singh for the petitioner.
Shri R.A. Katta for the respondents.

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The petitioner is claiming reservation against 50% of the seats reserved for Scheduled Tribe which are ear-marked for natives of tribal area notified by the Government of India.

2) Learned counsel for the petitioner contended that petitioner is resident of tribal area of Banswara District and as per the scheme notified by the Government of India, he is entitled to get the certificate of being native of that tribal area but despite this fact, the respondents have not issued to him the said benefit and on that basis, admission to M.B.B.S. Course.

3) Shri RA Katta has produced before me copy of the order passed by the Government dated 9/8/2007 and the letter of Additional Commissioner (II) Tribal Area Development Department, Udaipur which show that petitioner has not been found to be native of tribal area and therefore he cannot be held entitled for

grant of benefit not being native of that tribal area. The documents placed by Shri RA Katta are taken on record.

4) In the scope of writ petition, determination of such a highly disputed question of fact cannot be decided especially in the face of the inquiry already said to be conducted by the government.

The writ petition being devoid of merits is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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